

### **REMARKS**

Initially, applicants would like to express their appreciation to Examiner Corsaro for the courtesies extended to applicants' attorney during telephone interviews on February 2, 2005 and March 21, 2005. During the March 21<sup>st</sup> interview, Examiner Corsaro agreed with applicants' attorney that a limitation in applicants' independent claims that requires adjusting the target metric value as a variable function of the determined signature could overcome the cited references.

Claims 1, 2, 4, 6-17, 19-25, 28-38, and 40-43 are pending in the application.

#### **Allowable Claims**

Applicants appreciate the Examiner's allowance of claims 34-37 and indication that claims 9 and 16 would be allowable if rewritten in independent form including all limitations of the respective base and intervening claims.

#### **Rejections Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1, 2, 4, 6-8, 10-15, 17, 19-25, 28-33, and 40-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,386,589 issued to Kanai on January 31, 1995 in view of various other references.

#### **Rejection under Kanai and Minde**

Claims 1, 2, 4, 6, 11-13, 17, 19-20, 23-25, 29, 31, 38, 40, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,386,589 issued to Kanai on January 31, 1995 in view of U.S. Patent Number 6,157,830 issued to Minde et al. on December 5, 2000.

Applicants respectfully avoid this ground of rejection.

First, neither Kanai nor Minde teach or suggest applicants' amended claim 1 limitation that requires performing power control over the communications channel wherein the power control compares a metric value and a target metric

value, such that the target metric value is adjusted as a variable function of the determined signature of the communications channel.

Instead, Kanai discloses that a signal quality is indicated by the average bit error rate, and average bit error rate is measured and held constant for power control by keeping average bit error rate between two rate threshold values, i.e., LV1 and LV2, where LV2 is greater than LV1. Transmission power is increased or decreased by a predetermined amount, e.g., +1, based on how the average BER compares to LV1 and LV2, as stated in column 7, lines 50-68 and column 8, lines 1-15. Therefore Kanai does not teach or suggest a target metric value that is adjusted as a variable function of the determined signature of the communications channel, as required by applicants' claim 1.

As to Minde, it appears to address the problem of providing a more accurate method of estimating speech quality in a cellular network. The Examiner asserts that the output of Minde's temporal processing constitutes "a signature of a communications channel, wherein the signature of the communications channel is a second order statistic of a signal-to-noise ratio of a signal received from the communications channel". However, Minde makes no mention of transmission power control, nor is there any teaching in Minde to suggest that a target metric value is adjusted as a variable function of the determined signature of the communications channel, as required by applicants' claim 1. Thus, Minde does not supply the element of applicants' claim 1 that was shown hereinabove not to be taught by Kanai.

Therefore the combination of Kanai with Minde does not teach or suggest all of the limitations in applicants' claim 1, as amended, and therefore claim 1 is allowable over the proposed combination.

Independent claims 11, 17, 24, and 38 have limitations similar to that in independent claim 1. For example, claims 11, 17, 24, and 38 each require power control in which a target value is adjusted as a variable function of the determined signature of the communications channel. The Kanai and Minde combination does not teach or suggest this limitation for the reasons explained

hereinabove and, as such, claims 11, 17, 24, and 38, as amended, are also allowable.

Since all of the dependent claims depend from an allowable independent claim and include all of the limitations thereof, these claims are also allowable over the Kanai and Minde combination for at least the same reasons set forth above for the independent claims.

Rejection under Kanai, Minde, Wang, and Dohi

Claims 7-8, 10, 14-15, 28, 32-33, and 41-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kanai in view of Minde et al., and further in view of U.S. Patent Number 6,084,904 issued to Wang et al. on July 4, 2000.

Claims 21, 22, and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kanai in view of Minde et al., and further in view of U.S. Patent Number 6,341,224 issued to Dohi et al. on June 22, 2002.

Independent claims 1, 11, 17, 24, and 38 have limitations similar to that of independent claim 1 which are not taught by Kanai and Minde for the reasons explained hereinabove. The Office Action does not cite Wang or Dohi as supplying this missing element, and applicants agree that neither Wang nor Dohi teach this element. Since claims 7-8 and 10 depend from claim 1, claims 14-15 depend from claim 11, claims 21-22 depend from claim 17, claims 28, 30 and 32-33 depend from claim 24, and claims 41-42 depend from claim 38, these dependent claims are therefore also allowable.

Furthermore, applicants respectfully object to the Examiner taking official notice regarding claim 28. Applicants' believe that their method of power control for the reverse link outer loop in wireless communications networks was not common knowledge nor practiced in the art prior to the filing date hereof. Applicants respectfully request that a reference document be cited as the basis for the rejection of applicants' claim.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicants' attorney so that arrangements may be made to discuss and resolve any such issues.

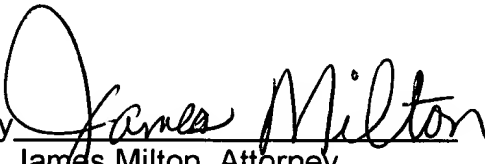
In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325.**

Respectfully submitted,

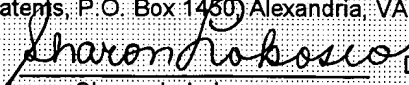
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I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Mail Stop <u>AF</u> <u>Amendment</u>	
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>March 28, 2005</u>	
 Sharon L. Lobosco	Date <u>March 28, 2005</u>